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GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 10866H3|60|Law. *Dated, Trivandrum, 6th July, 1961| Asadha 15, 1883 (Saka).*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 23rd day of June, 1961.

By order of the Governor,
P. SANKARAN ELAYATH,
Law Secretary.

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ACT 21 OF 1961

THE PATTAZHI DEVASWOM LANDS (VESTING AND ENFRANCHISEMENT) ACT, 1961

An Act to provide for the enfranchisement of certain lands belonging to the Pattazhi Devi Temple and its Keezheedus and for the vesting in the Government of Kerala of certain other lands belonging to the said Temple and Keezheedus.

Preamble.—WHEREAS it is expedient to provide for the enfranchisement of certain lands belonging to the Pattazhi Devi Temple and its Keezheedus and for the vesting in the Government of Kerala of certain other lands belonging to the said Temple and Keezheedus;

BE it enacted in the Twelfth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Pattazhi Devaswom Lands (Vesting and Enfranchisement) Act, 1961.

(2) It shall come into force at once.

2. *Saving.*—Nothing in this Act shall apply to the lands specified in the Schedule.

3. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "basic tax" means the tax imposed by the Government under the provisions of the Kerala Land Tax Act, 1961;

(b) "Government" means the Government of Kerala;

(c) "holding" means any land owned by the Temple and held by a tenant;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "Temple" means the Pattazhi Devi Temple situated in the Pattazhi Village in the Pathanapuram Taluk and includes the following Keezheedus of the said Temple, namely:—

(i) the Kundayam temple situated in the Pattazhi Village in the Pathanapuram Taluk; and

(ii) the Mannadi temple situated in the Kadampanadu Village in the Kunnathur Taluk.

(f) "tenant" means a person holding at the commencement of this Act lands owned by the Temple on venpattam, kanam or any other kind of tenure directly under the Temple;

(g) "tharissu" means land owned by the Temple and entered as "tharissu" in the revenue records.

4. *Cessation of the rights of the Temple.*—On and after the commencement of this Act, notwithstanding anything contained in any law or contract or in any decree or order of court, the Temple shall—

(1) cease to have any right, claim or interest in respect of—

(i) the lands comprised in the holdings; and

(ii) tharissu, and

(2) cease to have any right to collect arrears of rent in respect of lands comprised in any holding which remain unpaid to the Temple on the date of commencement of this Act,

but the Temple shall be entitled to receive and be paid compensation as hereinafter provided for the extinguishment of such rights, claims and interests.

5. *Tenants to be proprietors and tharissu to vest in Government.*—On and after the commencement of this Act,—

(i) every tenant shall, subject to the provisions of section 7, have full proprietary rights in the land comprised in his holding and such rights shall be heritable and alienable;

(ii) the tenants shall not be liable to pay rent to the Temple; and

(iii) all tharissu shall vest in the Government.

6. *Compensation to the Temple.*—(1) The Government shall, by way of compensation for the extinguishment of the rights, claims and interests of the Temple under section 4, pay to the Temple a sum of four lakhs and seventy-five thousand rupees.

(2) The amount of compensation payable under sub-section (1) shall be paid in cash and shall bear interest at the rate of 4 per cent per annum from the 1st day of April, 1959, till the date of payment.

7. *Tenants to pay compensation for rights vested in them.*—(1) In consideration of the rights vested in a tenant under section 5, the tenant shall be liable to pay—

(i) to the Government—

(a) in such manner as may be prescribed an amount which shall be equal to nine times the annual rent on the lands comprised in the holding where such lands are lands adapted for the cultivation of paddy, or five times the annual rent on the lands comprised in the holding where such lands are not lands adapted for the cultivation of paddy; and

(b) the basic tax in respect of the lands comprised in his holding from the first day of April, 1959, up to the commencement of this Act; and

(ii) to the panchayat the cess in respect of the lands comprised in his holding from the first day of April, 1959, up to the commencement of this Act.

(2) Where the annual rent on any land comprised in a holding is fixed in paddy, such annual rent shall, for the purposes of this section, be computed in money at the rate of one rupee and fifty naye paise per para of paddy.

(3) The amount payable under sub-clause (a) of clause (i) of sub-section (1) shall bear interest at the rate of 4 per cent per annum from the date of the commencement of this Act. The amount shall be paid in twelve equal half-yearly instalments together with interest accrued due on the amount outstanding on the date of payment of each instalment:

Provided that it shall be open to the tenant to pay such amount in a lump, without any interest, within a period of one year from the commencement of this Act.

8. *Liability to pay basic tax and cess on land.*—(1) Notwithstanding anything contained in this Act or in the Kerala Land Tax Act, 1961,—

(i) the Temple shall be liable to pay to the Government in respect of the lands comprised in the holdings and the tharissu only one-half of the basic tax for the financial year 1958-59, and no basic tax shall be payable in respect of such lands by the Temple to the Government from the 1st day of April, 1959;

(ii) every tenant shall be liable to pay basic tax to the Government on and from the commencement of this Act, in respect of the land comprised in his holding.

(2) Notwithstanding anything contained in this Act or in the Kerala Panchayats Act, 1960, or in any rules, bye-laws, notifications or orders issued thereunder,—

(i) the Temple shall be liable to pay to any panchayat only one-half of the cess on land for the financial year 1958-59 levied by that panchayat in respect of the land comprised in the holdings and the tharissu, and no cess on land shall be payable in respect of any such land by the Temple to any panchayat from the 1st day of April, 1959;

(ii) every tenant shall be liable to pay on and from the commencement of this Act the cess on land in respect of the land comprised in his holding levied by the panchayat within whose jurisdiction such land is situated.

9. *Issue of pattas, etc., to tenants.*—(1) As soon as may be after the commencement of this Act the Government shall issue pattas or other documents evidencing the right of the tenants in their holdings. Such pattas or other documents shall contain such particulars as may be prescribed.

(2) The Government may appoint or authorise such officer or officers as they deem necessary for the purpose of settling the tax or other dues payable by the tenants to the Government or to any other authority and for the issue of pattas or other documents.

10. *Amounts due to Government to be recoverable under the Revenue Recovery Act.*—Any amount due to the Government from the tenants under this Act shall be a first charge on the holdings, and the instalments and interest due shall be recoverable as arrears of land revenue under the provisions of the Travancore-Cochin Revenue Recovery Act, 1951, as if they were arrears of public revenue due to the Government.

11. *Indemnity.*—(1) No suit or other legal proceeding shall lie against the Government for any act which is in good faith done or intended to be done under this Act.

(2) No suit, prosecution or other legal proceeding shall be instituted against any officer or person duly appointed or authorised under this Act in respect of anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

12. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the settlement of the tax or other dues payable by the tenants;

(b) the determination of the date of payment of the first instalment of dues by the tenants;

(c) the procedure for the issue of pattas or other documents and the particulars they should contain;

(d) prescribing forms where forms are necessary;

(e) providing for appeals from orders of the officers appointed or authorised to settle the tax or other dues or to issue pattas or other documents;

(f) regulating the powers of the appellate authority and the procedure to be followed by such authority;

(g) all other matters required or allowed by this Act to be prescribed.

(3) The power to make rules conferred by this section is subject to the condition of previous publication.

(4) The rules made under this section shall, as soon as possible after they are made, be laid before the Legislative Assembly of the State of Kerala for a period of not less than fourteen days and shall be subject to such modification as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

13. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.

SCHEDULE

(See section 2)

Description of lands exempted from the provisions of the Act

Sl. No.	*Taluk*	*Village*	*Survey*		*Extent*		*Remarks.*
			No.	*Letter*	*Acre*	*Cents*	
1	Pathanapuram	Pattazhi	20	157	3	10	Kuttalamalamkavu required for the conduct of Kuravar Malakkuda function in Meenam.
2	do.	do.	132	449	2	58	Pulikkunnumala required for the conduct of Thullal and Poojas in connection with the Makayiram Thirunal festival in Kumbhom.
3	do.	do.	176	6	1	10	Tank and its premises (Pattazhi Devaswom)
4	do.	do.	207	9A1	6	51	Pattazhi Temple site and the buildings in it (village office, camp shed and temple buildings)
5	do.	do.	[illegible]	1	..	70	Site of Devaswom Superintendent's Office, Pattazhi and the building in it.
6	do.	do.	216	11	..	20	Land on the eastern side of Vadakke Arapura.
7	do.	do.	207	3	..	85	Pathway leading to temple tank.
8	do.	do.	210	12	..	48	Site of the Vadakke Arapura and the buildings.
9	do.	do.	503	1	2	27	Site of Kundayam temple (Keezhedu of the Pattazhi Devaswom) and the building.
10	Kunnathoor	Kadambanad	407	1A	..	89	Site of Mannadi temple and the buildings therein.
11	Pathanapuram	Pattazhi	95	5	..	..	One mango tree and one jack tree on road poramboke, Thanathu—leased out on short term Kuthakapattom.
12	do.	do.	419	318	..	56	Thanathu land leased out on short term Kuthakapattom.
13	do.	do.	..	..	..	..	Nine trees standing on the bunds at Kanjirathumkal Yellah, Neduvankulathu Yellah and Chirakkara Yellah—Thanathu—leased out on short term Kuthakapattom.